

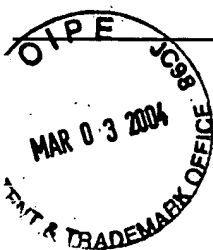
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AR/1638



March 3, 2004

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: U.S. Application No. 09/938,294
Filed: August 24, 2001
Title: Novel Plant Transcribed Regions and Uses Thereof
Applicants: Gregory J. HINKLE *et al.*
Atty. Docket: 16517.253

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office (PTO):

1. a Request to Rescind Prior Request and Certification Under 37 C.F.R. § 1.213(b);
2. a copy of a Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i) (Exhibit A);
and
3. a return postcard.

Please stamp the attached postcard with the filing date of these documents and return it to our courier.

In the event that extensions of time beyond those petitioned for herewith are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any fees are due in conjunction with this filing. However, if any fees under 37 C.F.R. §§ 1.16 or 1.17 are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter Deposit Account No. 50-2387 referencing matter number 16517.253. A duplicate copy of this letter is enclosed.

Respectfully submitted,

David R. Marsh (Reg. Attorney No. 41,408)
Holly Logue Prutz (Reg. Attorney No. 47,755)

Enclosures



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gregory J. HINKLE *et al.*

Appln. No.: 09/938,294

Filed: August 24, 2001

For: **Novel Plant Transcribed Regions
and Uses Thereof**

Confirmation No. 1056

Art Unit: 1638

Examiner: Phuong T. Bui

Atty. Docket: 16517.253

**Request to Rescind Prior Request and Certification
Under 37 C.F.R. § 1.213(b)**

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Commissioner for Patents

P.O. Box 1405

Alexandria, VA 22313-1450

Sir:

Applicants hereby request that the Request for Non-Publication and Certification Under 35 U.S.C. § 122(b) filed on August 24, 2001, in the above-captioned U.S. application be rescinded in accordance with 37 C.F.R. § 1.213(b).

On August 24, 2001, the above-captioned U.S. application was filed with a Request for Non-Publication, which contained a certification under 35 U.S.C. § 122(b)(2)(B)(i), including a statement that the invention “has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.” (Request attached hereto as Exhibit A).

Applicants wish to rescind the request for non-publication filed on August 24, 2001, for the above-captioned U.S. application.

Should the Commissioner require additional information, he is invited to contact the undersigned at the number provided below.

In the event that extensions of time beyond those petitioned for herewith are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any fees are due in conjunction with this filing. However, if any fees under 37 C.F.R. §§ 1.16 or 1.17 are required in the present application, including any fees for extensions of time, authorization to charge such fees is given in the accompanying transmittal letter.

Respectfully submitted,



David R. Marsh (Reg. No. 41,408)
Holly Logue Prutz (Reg. No. 47,755)

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Date: March 3, 2004

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